



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

DGR:TRP/BDM
F. #2016R00467

*271 Cadman Plaza East
Brooklyn, New York 11201*

November 16, 2023

Via ECF

The Honorable Margo K. Brodie
Chief United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: In Re Forfeiture Order of Tim Leissner
Miscellaneous Docket No. 23-1505 (MKB)

Dear Chief Judge Brodie:

The government respectfully submits this letter to provide a status report regarding the above-captioned criminal forfeiture ancillary proceeding in advance of the status conference scheduled for November 29, 2023. As the Court is aware, to date, four claimants have filed petitions in this ancillary proceeding involving 3,325,942 shares of stock in Celsius Holdings, Inc. (the "Celsius Shares"). See ECF Dkt. Nos. 3-5, 8.

With respect to claimants Kimora Lee Simmons, Ken Siazon and Ng Chong Hwa, the parties jointly request an additional period of 60 days to allow them to continue settlement discussions in an effort to resolve their respective claims without the need for Court intervention.

With respect to claimant Russell Simmons, individually and derivatively on behalf of Nu Horizons, on today's date, the government served its motion to dismiss the petition pursuant to Federal Rule of Criminal Procedure 32.2(c)(1)(A). Claimant's response in opposition is due on or before November 30, 2023; and the government's reply is due on or before December 7, 2023.

Accordingly, the government respectfully requests that it be directed to submit another report on or before January 16, 2024 advising the Court of the status of all claims, including the outcome of settlement discussions.

Thank you for Your Honor's consideration of this submission.

Respectfully submitted,

BREON PEACE
United States Attorney

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cc: All Counsel of Record (by ECF)